



Docket No.: 1919.1009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yoshiki TSUCHIYAMA et al.

Serial No. 10/580,211

Group Art Unit: 3653

Confirmation No. 1850

Filed: May 23, 2006

Examiner: SEVERSON, JEREMY R

For: AUTOMATIC PAPER FEEDER

APPELLANTS' BRIEF IN REPLY UNDER 37 C.F.R. § 41.41

Mail Stop – Appeal Brief - Patents

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer mailed September 16, 2009 in the above-identified application, Appellants submit this Reply Brief.

(10) RESPONSE TO ARGUMENTS

In the Appeal Brief, relative to claim 1, Appellants argued (see argument 1 on page 5 of the Appeal Brief) that Murayoshi does not anticipate or render obvious "wherein the pad pressing means is configured to be rotatable back and forth with respect to the rotating direction of the pick roller about a fulcrum where pressure is applied to the pad pressing means." Specifically, Appellants argued that (1) element 552 in FIG. 12 of Murayoshi is not a fulcrum, and (2) the pressing plate 14 is not configured to be rotatable around element 552 back and forth with respect to the rotating direction of the pick roller.

Relative to (1), the Examiner's Answer refers to FIG. 3 alleging that the teachings of FIG. 3 can be applied to FIG. 12. However, FIG. 12 is a different embodiment of Murayoshi's automatic sheet feeder than FIG. 12 (see, e.g., col. 3, lines 23-25 and 39-41 in Murayoshi). FIG. 12 and FIG. 3 differ in an area where bar 552 is illustrated in FIG. 12 (see the respective portions of FIG. 3 and FIG. 12 in Murayoshi reproduced below).

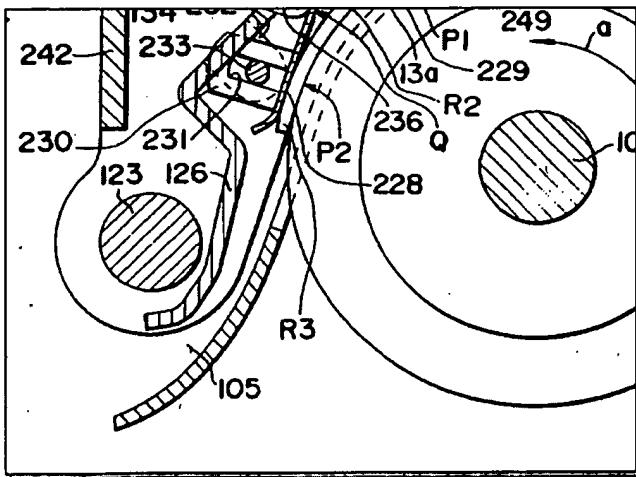


FIG. 3

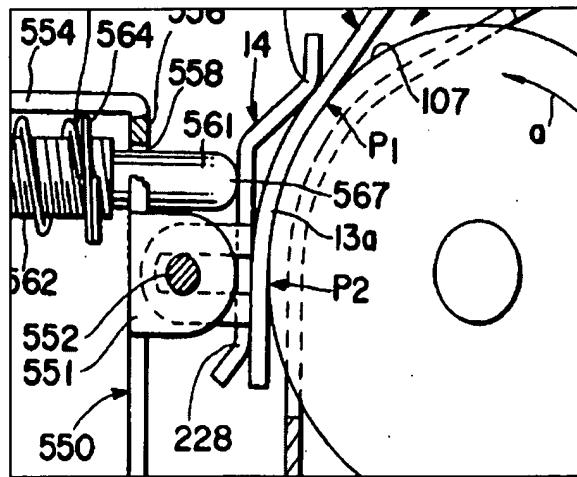


FIG. 12

Applicants respectfully submit that the Examiner has not met the burden of proof to show that the pressing plate 14 in Murayoshi is rotatable **back and forth with respect to the rotating direction** of the pick roller, as recited in claim 1. The pivotal movement about the guide shaft 233 in FIG. 3 of Murayoshi merely allows an upper portion of the pressing plate 14 to move away from the roller while the lower portion remains in the same position, unless the lower portion is separately moved radially, as much as the slot allows. However, Murayoshi does not teach and it is not inherent that the pressing plate 14 is rotatable back and forth with respect to the rotating

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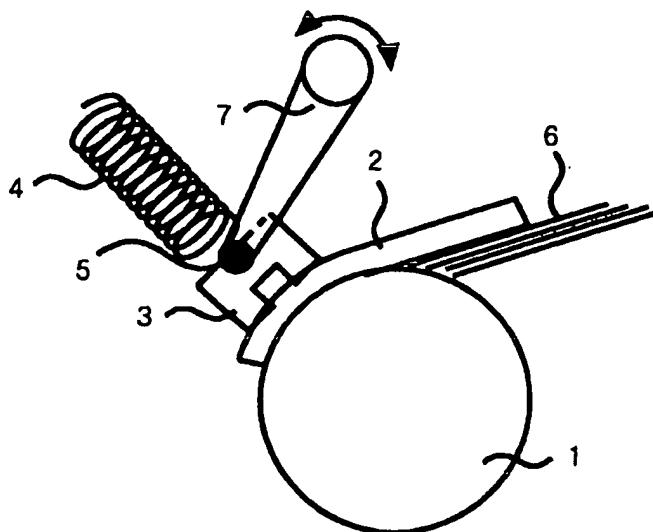
direction of the pick roller.

Additionally, in the automatic sheet feeder in FIG. 12 of Murayoshi, the presence the pressing rod 559 (see in the portion reproduced above the tip end 567 of the pressing rod 559), precludes a pivotal move as described relative to FIG. 3.

The Examiner's answer points out to col. 18, line 49 to col. 19, line 2 of Murayoshi as showing adjustment of the pressing force applied via the pressing rod 559. Thus, the Examiner admits that the force is NOT applied at the element 552. Therefore, even if *arguendo*, element 552 were a fulcrum, element 552 is not "where pressure is applied to the pad pressing means" as recited in claim 1.

In contrast as exemplarily illustrated in the non-limiting embodiment in FIG. 2 of the current application, the fulcrum 5 is located where the force from the spring 4 is applied.

Fig. 2



In view of the above-remarks Appellants respectfully submit that Murayoshi does not anticipate the above-identified feature, and that the Examiner's response to the arguments filed in the Appeal Brief do not rebut these arguments.

Relative to Appellants' arguments that the plate 14 in Murayoshi does not have a U shape but a V shape, Appellants defer to the Board judgment the decision.

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CONTINGENT AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT AND

CONTINGENT PETITION FOR EXTENSION OF TIME

Appellants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 19-3935.

Respectfully submitted,

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